

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 BURBERRY LIMITED, No. C-05-4248 MMC

12 || Plaintiff,

No. C-05-4248 MMC

ORDER RE APRIL 7, 2006 HEARING

13 | v.

14 || TUAN NGUYEN, et al.,

Defendants

17 Before the Court is plaintiff Burberry Limited's ("Burberry") motion, pursuant to Rule
18 55(b)(2), for default judgment against defendant Tuan Nguyen ("Nguyen"). The matter is
19 set for hearing on April 7, 2006.

Having reviewed the file in preparation for the hearing, the Court hereby advises
Burberry that it should be prepared to address the following topics at the hearing:

22 (1) Burberry, to date, has taken no steps to amend its complaint to substitute a
23 named party for a Doe defendant. Burberry shall indicate if it intends to proceed in the
24 above-titled action against any defendant other than Nguyen. In the event Burberry intends
25 to proceed against other parties, and such claims arise from the same conduct alleged
26 against Nguyen, Burberry shall explain why the Court should enter a monetary judgment
27 against Nguyen at this time.

28 (2) Burberry should provide the Court with information bearing on its claim for

1 statutory damages to show how the amount sought, \$200,000 per mark infringed, would
2 advance the purposes of providing “restitution” and “reparation for injury” to Burberry and
3 “discourag[ing] wrongful conduct.” See F.W. Woolworth Co. v. Contemporary Arts, Inc.,
4 344 U.S. 228, 233 (1952). For example, Burberry may wish to provide any information
5 pertaining to its annual losses occasioned by sales of counterfeit goods bearing its
6 trademarks, an estimation as to the profits earned by Nguyen or similarly situated parties
7 selling counterfeit goods, and/or the costs Burberry incurs to enforce its trademark rights
8 against sellers of counterfeit goods.

9 **IT IS SO ORDERED.**

10
11 Dated: April 3, 2006


MAXINE M. CHESNEY
United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28